

May 10, 2011

A regular meeting of the Council of the City of Bedford, Virginia, was held in the Council Hall of the Municipal Building at 7:02 p.m., May 10, 2011

Members present: Councilwoman Mary L. Flood; Councilman Guy E. Murray, Jr.; Councilman Steve C. Rush; Councilman C. G. Stanley, Jr.; Councilman James A. Vest; and Vice Mayor Robert T. Wandrei

Member absent: Mayor W. D. Tharp

Staff present: City Manager Charles P. Kolakowski; City Attorney W. W. Berry, IV; and Clerk of the Council Teresa W. Hatcher.

Vice Mayor Wandrei opened the meeting and led all present in the Pledge of Allegiance to the Flag.

Vice Mayor Wandrei declared that the minutes of an adjourned Council meeting held on April 20, 2011, the minutes of a called Council meeting held on April 26, 2011, and the minutes of a regular Council meeting held on April 26, 2011, were approved as distributed.

City Manager Kolakowski reported on the following:

- A number of businesses have closed; however, the number of businesses that have opened in the past year is remarkably close to the number that have closed. Several businesses have taken out construction permits in the last several weeks where they are doing some improvements to their facilities. Mr. Kolakowski said that he and Mr. Warner met with one of the local businesses that is looking to relocate and expand in the City because they are very happy with the location and are looking to double their operation.

The Vice Mayor indicated there would be a closed session regarding reversion and legal matters in consultation with counsel.

City Attorney Berry asked that an item be added to the agenda regarding the lease of property.

Vice Mayor Wandrei stated the item regarding lease of property was added to the agenda under New Business.

Mr. Frank Kowaleski presented Melissa Tomlin with a "Saved by the Belt" proclamation. Ms. Tomlin was struck by another motorist and only sustained minor injuries from the crash, which in the Police Officer's opinion, was because she was wearing a safety belt. The motorist who struck her car was arrested for driving under the influence of alcohol.

The City Manager said the Consent Agenda consisted of the following item: reappointment of himself, as a Board Member, and Mr. Bart Warner, as an Alternate Board Member, to the Region 2000 Service Authority – the terms expired on June 30,

May 10, 2011

2010. Under Virginia law Section 15.2-5113, the current members stay in office until appointed or reappointed. Members shall be reappointed for a four-year term.

On motion by Councilman Murray, seconded by Councilman Rush, voted upon and carried by a roll call vote, Council adopted the Consent Agenda. Roll call vote follows:

Councilwoman Flood	aye
Councilman Murray	aye
Councilman Rush	aye
Councilman Stanley	aye
Councilman Vest	aye
Vice Mayor Wandrei	aye
Mayor Tharp	absent

City Manager Kolakowski said Central Virginia Community Services (CVCS) would like to seek financing to purchase electronic health record software and related hardware in order to be in compliance with federal regulations, said borrowing shall not exceed \$1,000,000. They are also seeking financing to purchase and/or build an intermediate care facility for adults with intellectual disabilities utilizing grant funds from the Commonwealth of Virginia, and possible other sources, said borrowing shall not exceed \$800,000.00. The CVCS Board of Directors has adopted resolutions approving both requests and directed staff to seek the necessary approval from the six localities it serves for assuming new debt.

The City Manager said that borrowing of any funds and the execution of any loan documents shall not directly, indirectly or contingently obligate the City of Bedford to pledge its faith and credit or to levy any taxes for the payment of the principal of or premium, if any, and interest on any obligations for borrowed funds of Central Virginia Community Services Board. Mr. Kolakowski requested Council to adopt proposed resolutions approving the issuance of debt by the Central Virginia Community Services Board.

On motion by Councilman Stanley, seconded by Councilwoman Flood, voted upon and carried by a roll call vote, Council adopted the resolutions regarding the Central Virginia Community Services Board. Roll call vote follows:

Councilman Murray	aye
Councilman Rush	aye
Councilman Stanley	aye
Councilman Vest	aye
Vice Mayor Wandrei	aye
Councilwoman Flood	aye
Mayor Tharp	absent

The resolutions follow as adopted:

May 10, 2011

**RESOLUTION FOR CENTRAL VIRGINIA COMMUNITY
SERVICES TO SEEK FINANCING TO PURCHASE
ELECTRONIC HEALTH RECORD SYSTEM**

WHEREAS, Central Virginia Community Services Board is a governmental entity of the Commonwealth of Virginia created pursuant to provisions of Chapter 5 of Title 37.2 of the Code of Virginia pursuant to a joint agreement between the Counties of Amherst, Appomattox, Bedford and Campbell, and the Cities of Bedford and Lynchburg, in order to provide those jurisdictions with mental health, intellectual disability, and substance abuse services; and,

WHEREAS, Section 37.2-504. A.8. and 11. of the Code of Virginia, 1950, as amended, allows Community Services Boards such as Central Virginia Community Services Board to accept grants of money or property from any source and utilize them as authorized by the governing body of each city or county that established it, and to obtain loans as authorized by the governing body of each city or county that established it; and,

WHEREAS, Central Virginia Community Services Board has determined that it is required to acquire electronic health record software and related hardware in order to be in compliance with federal regulations, provided, however, said borrowing shall not exceed \$ 1,000,000.00 (one million dollars).

NOW, THEREFORE, BE IT RESOLVED that Central Virginia Community Services Board is hereby authorized by the City of Bedford to purchase electronic health record software and to borrow funds necessary in an amount not to exceed \$ 1,000,000.00 (one million dollars) to purchase said software and related hardware.

Borrowing of any funds and the execution of any loan documents shall not directly, indirectly or contingently obligate the City of Bedford to pledge its faith and credit or to levy any taxes for the payment of the principal of or premium, if any, and interest on any obligations for borrowed funds of Central Virginia Community Services Board.

**RESOLUTION FOR CENTRAL VIRGINIA COMMUNITY
SERVICES TO SEEK FINANCING AND UTILIZE GRANT
OF STATE BOND FUNDS TO BUILD
INTERMEDIATE CARE FACILITY FOR ADULTS
WITH INTELLECTUAL DISABILITIES**

May 10, 2011

WHEREAS, Central Virginia Community Services Board is a governmental entity of the Commonwealth of Virginia created pursuant to provisions of Chapter 5 of Title 37.2 of the Code of Virginia pursuant to a joint agreement between the Counties of Amherst, Appomattox, Bedford and Campbell, and the Cities of Bedford and Lynchburg, in order to provide those jurisdictions with mental health, intellectual disability, and substance abuse services; and,

WHEREAS, Section 37.2-504. A.8. and 11. of the Code of Virginia, 1950, as amended, allows Community Services Boards such as Central Virginia Community Services Board to accept grants of money or property from any source and utilize them as authorized by the governing body of each city or county that established it, and to obtain loans as authorized by the governing body of each city or county that established it; and,

WHEREAS, Central Virginia Community Services Board has determined to build an intermediate care facility for adults with intellectual disabilities utilizing grant funds from the Commonwealth of Virginia, and possible other sources, and to borrow funds in amounts determined necessary by Central Virginia Community Services Board to utilize said grants and to purchase and/or build an intermediate care facility for adults with intellectual disabilities, provided, however, said borrowing shall not exceed \$800,000.00.

NOW, THEREFORE, BE IT RESOLVED that Central Virginia Community Services Board is hereby authorized by the City of Bedford to pay said loans or to accept and utilize such grant funds as it receives from the Commonwealth of Virginia or other entities and to borrow funds necessary in an amount not to exceed \$800,000.00 to acquire, build, and operate an intermediate care facility for adults with intellectual disabilities pursuant to such terms and provisions as Central Virginia Community Services Board deems appropriate for such purposes.

Borrowing of any funds and the execution of any loan documents shall not directly, indirectly or contingently obligate the City of Bedford to pledge its faith and credit or to levy any taxes for the payment of the principal of or premium, if any, and interest on any obligations for borrowed funds of Central Virginia Community Services Board.

City Manager Kolakowski stated Council had received copies of a proposed ordinance which readopts and reenacts §34-2 of the City Code, incorporating by reference current provisions of the Code of Virginia dealing with traffic laws and motor vehicle operation. Failure to adopt this ordinance would mean that offenders would have to be charged under the State law rather than the City law. Any fines collected would then be payable to the State rather than to the City. The ordinance has been posted in three locations in the

May 10, 2011

City, in accordance with §2-54 of the City Code. The City Manager requested that Council adopt the proposed ordinance.

On motion by Councilman Murray, seconded by Councilman Stanley, voted upon and carried by a roll call vote, Council adopted the proposed ordinance regarding traffic laws. Roll call vote follows:

Councilman Rush	aye
Councilman Stanley	aye
Councilman Vest	aye
Vice Mayor Wandrei	aye
Councilwoman Flood	aye
Councilman Murray	aye
Mayor Tharp	absent

The ordinance follows as adopted:

ORDINANCE NO. 11-3

**AN ORDINANCE TO READOPT AND REENACT
SECTION 34-2 OF THE CITY CODE INCORPORATING
BY REFERENCE CURRENT PROVISIONS
OF THE CODE OF VIRGINIA
DEALING WITH TRAFFIC LAWS AND
MOTOR VEHICLE OPERATION**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
BEDFORD, VIRGINIA:**

Section 1. Sec. 34-2 of the City Code is hereby readopted and re-enacted as follows:

Pursuant to the authority of Section 46.2-1313 of the Code of Virginia, the provisions and requirements of the laws of the Commonwealth of Virginia contained in Title 46.2 in Article 9 (Sec. 16.1-278 et seq) of Chapter 11 of Title 16.1, and in Article 2 (Sec. 18.2-266 et seq) of Chapter 7 of Title 18.2, of the Code of Virginia, except those provisions and requirements the violation of which constitute a felony, and except those provisions and requirements which by their very nature can have no application to or within the City, are hereby adopted and incorporated herein by reference and made applicable within the City. References to "Highways of the State" contained in such provisions and requirements hereby adopted, shall be deemed to refer to streets, highways and other public ways within the City. Such provisions and requirements are hereby adopted, mutatis mutandis, and made a part of this Chapter as fully as those set forth at length herein, and it shall be unlawful for any person, within the City, to violate or fail, neglect or refuse to comply with any provision of Title 46.2 or of Article 9 of Chapter 11 of Title 16.1 or of Article 2 of Chapter 7 of Title 18.2 of the Code of Virginia, which are adopted by this Section;

May 10, 2011

provided, that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under such titles of the Code of Virginia.

Section 2. This Ordinance shall become effective on July 1, 2011, upon publication one time, immediately following its passage, in some newspaper published in the City or upon posting at three or more public places in the City for one week, as required by Section 19 of the City Charter.

The City Manager said that after a public hearing on February 22, 2011, City Council approved conveyance of the real estate located at the northeast corner of Independence Boulevard and Orange Street to Greater Independence Development LLC in exchange for property to be conveyed to the City on the south side of Orange Street near the closed City landfill. Mr. Kolakowski reported that the City Attorney has drafted and circulated for approval a Deed of Exchange that will convey the Orange Street property and numerous easements to the City. The City Council is required by proper action to approve acceptance of the proposed deed. A resolution has been prepared to accept the proposed deed. The City Attorney and City Manager request that Council approve the resolution authorizing the Mayor to accept the proposed deed on behalf of the City.

On motion by Councilman Vest, seconded by Councilman Stanley, voted upon and carried by a roll call vote, Council adopted the proposed resolution. Roll call vote follows:

Councilman Stanley	aye
Councilman Vest	aye
Vice Mayor Wandrei	aye
Councilwoman Flood	aye
Councilman Murray	aye
Councilman Rush	aye
Mayor Tharp	absent

The resolution follows as adopted:

**RESOLUTION DIRECTING APPROVAL AND ACCEPTANCE OF
A DEED OF EXCHANGE CONVEYING REAL ESTATE TO THE
CITY NEAR ORANGE STREET AS PART OF AN EXCHANGE
WITH GREATER INDEPENDENCE DEVELOPMENT LLC.**

WHEREAS, the City Council on February 22, 2011, approved an Agreement with Greater Independence Development LLC ("GID"), for the exchange of certain real estate; and

May 10, 2011

WHEREAS, a proposed Deed of Exchange dated May 4, 2011 has been prepared showing the real estate to be conveyed to the City and to GID; and

WHEREAS, The City Council deems it in the best interest of the City to accept the proposed deed and to record a certificate to that effect in accordance with statutory provisions for acceptance of deeds of conveyance to municipal corporation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BEDFORD AS FOLLOWS:

1. The City Council hereby approves acceptance of the Deed of Exchange dated May 4, 2011.

2. The Mayor, the City Clerk, and the City Attorney are hereby authorized and directed to execute for recordation an Approval and Acceptance of conveyance indicating such acceptance pursuant to Virginia Code Section 15.2-1803.

4. This Resolution shall take effect upon enactment.

City Manager Kolakowski stated that a couple of months ago the lease of a small section of property behind the Municipal Building was brought up. The property is located behind the building on Court Street being operated by Goose Creek Studios. Goose Creek Studios has requested to lease a small portion of the property immediately adjacent to the building in order to put up a sculpture garden where they would display various sculptures from artists in the area and throughout the region.

The City Manager stated it is proposed to lease this property for \$250 per year for a five year period at which time the City may or may not entertain a proposal to sell the property depending upon the needs of the City at that time. Mr. Kolakowski stated there would be a public hearing in two weeks.

Councilman Murray moved that the property be leased to Goose Creek Studio. The motion was seconded by Councilman Stanley.

The City Manager stated a public hearing would have to be held before any action on this matter can be taken.

It was the consensus of Council to go forward with this proposal.

Councilman Murray withdrew his motion and Councilman Stanley withdrew his second to the motion.

May 10, 2011

Councilman Rush moved that Council adjourn into closed session pursuant to Section 2.2-3711 (a) (7) of the Code of Virginia of 1950, as amended, for consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation. Councilwoman Flood seconded the motion. The motion was voted upon and carried by the following roll call vote:

Councilman Vest	aye
Vice Mayor Wandrei	aye
Councilwoman Flood	aye
Councilman Murray	aye
Councilman Rush	aye
Councilman Stanley	aye
Mayor Tharp	absent

Council adjourned into closed session at 7:20 p.m. The following non-council members attended: City Manager Kolakowski, City Attorney Berry, and Assistant City Manager Warner.

Council reconvened into open session at 7:46 p.m.

The Clerk of Council read aloud the following resolution:

BE IT RESOLVED that the Council of the City of Bedford hereby certifies that (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Council.

On motion by Councilman Stanley, seconded by Councilwoman Flood, voted upon and carried by a roll call vote, Council adopted the resolution. Roll call vote follows:

Vice Mayor Wandrei	aye
Councilwoman Flood	aye
Councilman Murray	aye
Councilman Rush	aye
Councilman Stanley	aye
Councilman Vest	aye
Mayor Tharp	absent

Vice Mayor Wandrei adjourned the meeting at 7:47 p.m.